

## WESTERN AREA PLANNING COMMITTEE

---

### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 MAY 2013 IN THE RIDGEWAY SPACE, COUNTY HALL, TROWBRIDGE, BA14 8JN.

#### Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice-Chair)

#### Also Present:

Cllr Linda Conley and Cllr Dennis Drewett

---

#### 34 **Committee Membership and Apologies for Absence**

- 1) The membership of the Committee was noted.
- 2) An apology for absence was received from Councillor Horace Prickett. Councillor Prickett was substituted by Councillor Graham Payne.

#### 35 **Minutes of the Previous Meeting**

The minutes of the meeting held on **17 April 2013** were presented for consideration. It was,

#### Resolved:

**To APPROVE as a correct record and sign the minutes.**

#### 36 **Chairman's Announcements**

The Chairman announced, with the consent of the Committee, that the order of the two applications to be determined would be reversed from their order in the agenda, in order to allow time for the arrival of a Wiltshire Council Drainage Engineer for application W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh as requested by the Committee at its last meeting.

### 37 **Declarations of Interest**

Councillor Jonathon Seed declared a non-pecuniary interest in application W/13/00152/FUL - *Land North West of 6 Holmeleaze, Steeple Ashton* - by virtue of an acquaintance of the applicant registering a complaint against him for calling in the application to Committee. Councillor Seed stated that he would consider the application with an open mind and on its merits.

### 38 **Public Participation and Councillors' Questions**

There were no questions or statements submitted.

The Committee noted the rules of public participation.

### 39 **Planning Applications**

The Committee considered the following applications:

#### 40 **W/13/00152/FUL: Land North West of 6 Holmeleaze, Steeple Ashton**

##### Public Participation

Mr Robert William Lane spoke in objection to the application.

Mr Geoffrey Hyatt, Steeple Ashton Parish Council, spoke in objection to the application.

Mr George Menzies, agent, spoke in support of the application.

The Area Team Leader introduced a report which recommended that permission be granted. The key issues were stated to include the scale of the proposed development, visual impact upon the surrounding area and highways impacts. It was also noted that there were permitted development rights in relation to the site, which would not require planning permission, unlike the current proposal.

The Committee then had the opportunity to ask technical questions of the officer. Details were sought about the extent of the application site, and the current lack of access arrangements from the site.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Jonathon Seed, then spoke in objection to the application.

A debate followed, where the principle issue of 'garden grabbing' and potential harm to the amenity and character of the area was raised, along with issues in relation to access and highways safety. It was noted in response that Highways officers had raised no objections. Whether the application constituted overdevelopment was also discussed.

At the conclusion of debate, it was,

**Resolution:**

**That Planning Permission be GRANTED for the following reason:**

**The proposed windfall development is located within the defined Village Policy Limits of Steeple Ashton and as a consequence is considered a sustainable development proposal with good access to village amenities and services, including public transport links. The proposal would not demonstrably cause any harm to the street scene, character of the area and nor would it detrimentally harm third party amenities or privacy levels. The one-house development would make a modest contribution to meeting local housing need.**

**Subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**

**Location and current canopy spread of all existing trees and hedgerows on the land;**

**Full details of all trees and hedgerows to be retained;**

**Where the existing hedgerows are to be retained and where there are gaps requiring infill planting, these areas must be clearly identified on a detailed plan including a hedgerow planting specification, together with measures for their protection in the course of development;**

**A detailed planting specification showing all new plant species, the supply and planting sizes and planting densities;**

**Finished levels and contours;**

**All hard and soft surfacing materials;**

**Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);**

**REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

**REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 5 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained.**

- 6 No part of the development hereby permitted shall be occupied until the access and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety.**

- 7 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.**

**REASON: In the interests of highway safety**

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse(s) hereby permitted or within their curtilage.**

**REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.**

**POLICY: West Wiltshire District Plan 1st Alteration 2004 - policies C31a and C38**

- 9 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

**POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C31a and C32**

- 10 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON: In the interests of visual amenity.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38**

- 11 During the construction stages, no site deliveries shall take place and no plant machinery or equipment shall be operated or repaired (so as to be audible at the site boundaries) outside the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays; and with**

no works audible at the site boundary to take place on Sundays or Public Holidays.

**REASON:** In order to safeguard the amenities of the area in terms of noise disturbance, nuisance and congestion caused by construction traffic and plant equipment.

**POLICY:** West Wiltshire District Plan - 1st Alteration Policy C38.

- 12** The development hereby permitted shall be carried out in accordance with the following approved plans:

**LOCATION PLAN – received 29.01.2013**

**VISIBILITY PLAN – Drawing No 1300 1-2 – received 14.03.2013**

**SITE PLAN, FLOOR PLAN AND ELEVATIONS – Drawing No 13001 Rev A – received 14.03.2013**

**REASON:** For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

- 1** Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may be taken on board during the formal Building Regulations consultation process and are made without prejudice to that process.

A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties throughout the County.

There are several good reasons to install residential sprinkler systems:

- 1. Sprinklers work from a standard main, although a 32mm connection is required;**
  - 2. They are inexpensive to install, particularly in new buildings;**
  - 3. They do not activate by accident – causing unwanted damage;**
  - 4. They only operate through individually activated heads, not the whole system;**
  - 5. They can be fitted flush into ceilings behind a flat cover;**
  - 6. They cause less water damage in a fire event than normal fire fighting apparatus; and**
  - 7. They significantly reduce fire and smoke damage.**
- 2** The applicant is advised that the application site holds potential for protected species. Under the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any

**protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**

41 **W/12/02235/FUL: 19 St Mary's Lane, Dilton Marsh, BA13 4BL**

Public Participation

Mrs Paula Carr spoke in objection to the application.

Mr Nigel Paine spoke in objection to the application.

Mr Alan Verity, applicant, spoke in support of the application.

The Area Team Leader introduced a report which recommended approval. It was noted the item had previously come to the Committee on 17 April 2013, and had been deferred for completion of a drainage report, to which attention was drawn, and the attendance of a Wiltshire Council Drainage Engineer.

It was stated the main issues to consider remained the principle of the development, impact upon the character and appearance of the area, and flooding and drainage, which the Engineer's report stated were satisfactory given the conditions proposed in the report.

The Committee then had the opportunity to ask technical questions of the officers. The lack of contours on the provided maps was noted with regret, and details were also sought regarding blockages to the watercourse in the area that were contributing to difficulties, and it was stated Council officers now had greater powers to access and order alterations be made where necessary, and would work with the local community to resolve concerns. It was further confirmed that no additional conditions had been proposed since the last committee meeting.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Linda Conley, then spoke in objection to the application.

A debate followed, where the interference in the watercourse in the area was noted, and it was requested officers take note and action investigation and resolution of the issue as soon as was practical. The contents of the Drainage report were considered, and the possibility of a sprinkler system to be included on the site was raised.

At the conclusion of debate, it was,

**Resolved:**

That Planning Permission be GRANTED for the following reason:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31A, C38, H1A, H17, H24, U2 and U1A.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively with the applicant to secure this development to ensure that there would be no harm to the character and appearance of the area and no harm to neighbouring amenity.

**Subject to the following conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.**

- 3 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2**

- 4 The development hereby permitted shall not be occupied until the access and parking area have been implemented in a consolidated



porous surface (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The areas shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31**

- 5** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted above ground floor level in the rear (south) elevation of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38**

- 6** No development shall commence on site until plans showing the proposed finished floor levels of the building and any associated decking in relation to the existing land levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

**REASON:** To minimise any flood risk and protect the amenity of neighbouring properties.

- 7** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing plant species, planting sizes and planting densities;
- means of enclosure;

**REASON:** To ensure a satisfactory landscaped setting for the development.

- 8** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs,

trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32**

- 9** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

**Site Location Plan received on 05 December 2012**

**Drawing number 776/1 received on 05 December 2012**

**Drawing number 776/2 received on 05 December 2012**

**Reason:** To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative:**

- 1** Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may be taken on board during the formal Building Regulations consultation process and are made without prejudice to that process.

**A core objective of the Wiltshire Fire and Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties throughout the County.**

**There are several good reasons to install residential sprinkler systems:**

- 1. Sprinklers work from a standard main, although a 32mm connection is required;**
- 2. They are inexpensive to install, particularly in new buildings;**
- 3. They do not activate by accident – causing unwanted damage;**
- 4. They only operate through individually activated heads, not the whole system;**

5. They can be fitted flush into ceilings behind a flat cover;
6. They cause less water damage in a fire event than normal fire fighting apparatus; and
7. They significantly reduce fire and smoke damage.

## 42 Urgent Items

The Committee briefly considered the issue of the appropriateness of the meeting location, given difficulty for some members resulting from glare on the presentation screens from the transparent roof.

A number of possible solutions and future options was discussed, and it was agreed to attempt these for future meetings and review their success at a future date.

(Duration of meeting: 6.00 - 7.15 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115